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Attorneys for Defendant  
DAREX, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

San Francisco Technology, Inc.	)	Civil Action No. C-10-02994 JF
	)	
Plaintiff,	)	<b>DEFENDANT DAREX LLC's,</b>
	)	<b>NOTICE OF PENDENCY OF</b>
v.	)	<b>OTHER ACTION PURSUANT</b>
	)	<b>TO CIV. L.R. 3-13</b>
Aero Products International, Inc.,	)	
BP Lubricants USA Inc., BRK Brands Inc.,	)	
Calico Brands Inc., Cooper Lighting LLC,	)	
Darex LLC, Dexas International Ltd., Dyna-Gro	)	
Nutrition Solutions, Fiskars Brands Inc.,	)	
Global Concepts Inc., Homax Products Inc.,	)	
Kimberly-Clark Corporation,	)	
Kraco Enterprises LLC, Lixit Corporation,	)	
Mead Westvaco Corporation, Nutrition 21 Inc.,	)	
Oatey Co., Optimum Technologies Inc.,	)	
Newell Rubbermaid Inc., Schick Manufacturing Inc.,	)	
The Scotts Company LLC, Sterling International	)	
Inc., Vitamin Power Incorporated, Woodstream	)	
Corporation, 4-D Design Inc.	)	
	)	
Defendants.	)	
	)	

**DEFENDANT, DAREX LLC'S**  
**NOTICE OF PENDENCY OF**  
**OTHER ACTION PURSUANT TO CIV. L.R. 3-13**

Pursuant to Civil L.R. 3-13, counsel for Defendant Darex LLC ("Darex") identifies the following case in the United States District Court for the Northern District of Illinois:

*Thomas A. Simonian vs. Darex, LLC.*  
Case No. 10-cv-01296 ("Illinois Action")

On February 25, 2010, Thomas Simonian ("Simonian") filed the Illinois Action against Darex.

The Illinois Action is a *qui tam* filed by Simonian. In Simonian's complaint, he alleges false marking of Darex products with U.S. Patent No. 4,471,581, arising under the patent laws of the United States, 35 U.S.C. § 292. The patent and products addressed by Simonian are the same patent and products upon which San Francisco Technology Inc. seeks relief for alleged false marking in the present case.

The nature and status of these two actions do not require consolidation under the Multi-District Litigation procedures of 28 U.S.C. § 1407. Rather, as set forth in more detail in Darex's Motion to Dismiss, the earlier-filed action deprives the plaintiff here of standing. As a result, this case should be dismissed.

Respectfully submitted,

Dated: September 9, 2010

By: /s/ Paul A. Stewart

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